IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 407 OF 1999

WITH

CIVIL APPLICATION NO. 6492 OF 1999

Ganapati Narayan Sutar ..Appellant

versus

Grampanchayat, Karanjoshi
Tal: Shahuwadi, Dist : Kolhapur
& Ors. ..Respondents

Mr. D. K. Ghaisas for the Appellant.
Mr. S. Deshpande for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 27TH OCTOBER,2005

P.C. :

1. Heard.

2. Appellant is the original Plaintiff, whose suit against the Gram Panchayat was partly decreed by the trial court and the Gram Panchayat was restrained from obstructing possession of the

plaintiff over his House situate in Survey No. 9, Gat No. 48 without following due process of law. The trial court has rejected the claim of the plaintiff that he is owner of the land. Only injunction is granted regarding the possession of the house. The house is constructed according to the Gram Panchayat without their permission and approved plan. The proper course now for the Gram Panchayat is to follow the due process of law. Counsel for the Gram Panchayat has agreed to follow due process of law. Therefore, the appeal is disposed of along with Civil Application, with his statement.

3. It is clarified that so far as the vacant land surrounding the house is concerned, there is no injunction against the Gram Panchayat. House injunction to continue.

27.10.2005 (D.G. DESHPANDE, J.)